

## **Do I have to get pre-approval from Ethics for what I'm doing outside of the office?**

### **1. Does it count as “outside employment?”**

1.a. Does it involve the provision of personal services by you to, or for the benefit of, another person or entity? (**NOTE:** Among other things, this includes the creation of content – whether written, spoken or visual – where you have an agreement with another person for the content to be published, broadcast, webcast, or displayed in any medium, or before a live audience).

**YES** – Continue to 1.b.

**NO** – It's not “outside employment.” You can stop here because you don't need pre-approval. Have a good time doing it, whatever it is!

1.b. Does it involve participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization?

**YES** – Continue to 1.c.

**NO** – It's outside employment. Skip forward to 2.a.

1.c. Will you be paid?

**YES** – It's outside employment. Skip forward to 2.a.

**NO** – Continue to 1.d.

1.d. Are the non-profit organization's activities devoted substantially to matters related to your official duties?

**YES** – Continue to 1.e.

**NO** -- Skip forward to 1.f.

**I DON'T KNOW. WHAT DO YOU MEAN, RELATED TO MY OFFICIAL DUTIES?** Skip forward to 2.d, and answer that question, except about the **organization**, not about your specific proposed activity. Then come back here and answer this question.

1.e. Will you serve as an officer or director of the nonprofit organization?

**YES** – It's outside employment. Skip forward to 2.a.

**NO** – Continue to 1.f.

1.f. Will you be providing services to the nonprofit organization which require you to have advanced knowledge in a field of science or learning customarily acquired by a course of instruction and study in an institution of higher education, hospital or similar facility (for example, the practice of law)?

**YES** – It's outside employment. Skip forward to 2.a.

**NO** – Continue to 1.g.

1.g. Will you be providing the nonprofit organization with professional services (such as legal representation, accounting services, or tax advice), or assuming a fiduciary relationship to the nonprofit organization?

**YES** – It's outside employment. Continue to 2.a.

**NO** – It's not outside employment. You can stop here. You don't need preapproval.

2. Will my proposed activity be related to my official duties?

2.a. Were you invited or asked to participate in the activity because of your official position at the FEC, rather than your expertise in the subject matter?

**YES** – It's related to your official duties. You must seek preapproval before beginning.

**NO** – Continue to 2.b.

2.b. Were you invited or asked to participate by a person or entity with interests that may be substantially affected by performance or nonperformance of your official duties?

**YES**—It's related to your official duties. You must seek preapproval before beginning.

**NO** – Continue to 2.c.

2.c. In carrying out the activity, will you be using or conveying to others nonpublic information you learned because of your position at the FEC?

**YES** – It's related to your official duties. You must seek preapproval before beginning.

**NO** – Continue to 2.d.

2.d. Will the activity deal in significant part with any matter to which you are, or within the last year have been, assigned; or with any ongoing or announced FEC policy, program or operation?

**YES** – It's related to your official duties. You must seek preapproval before beginning.

**NO** – Continue to Question 3.

3. Will my proposed activity involve the application of the same specialized skills or the same educational background as used in performance of your official duties (for example, the practice of law if you are a lawyer, or the practice of accounting if you are an auditor)?

**YES** – You must seek preapproval before beginning.

**NO** – Congratulations on making it all the way to the end of the decision tree. You don't need pre-approval! Have a good time!